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March 15, 2011

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 46 – February 2011 Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS) CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn and Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On February 3, CPG and EPA and CPG and EPA contractors held the semiannual LPR-NB Modeling meeting.
- On February 15, CPG and EPA held a meeting at EPA to discuss reference and background approaches for risk assessment planning.
- On February 18 and 24, EPA and CPG and EPA and CPG contractors held conference calls to discuss EPA's additional Low Resolution Coring (LRC) Report comments.

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Correspondence

- On February 2, CPG provided EPA with term sheets summarizing the CPG's understanding of the December 14, 2010 meeting where EPA and CPG representatives discussed the Ecological Risk Assessment and Data Usability components of the Draft Risk Analysis and Risk Characterization (RARC) Plan, and the December 16, 2010 meeting where EPA and CPG representatives discussed the Human Health Risk Assessment component of the Draft RARC Plan.
- On February 9, CPG submitted the Benthic Quality Assurance Project Plan (QAPP) Addendum No. 4 for the Caged Bivalve Study (CBS) to EPA.
- On February 10, CPG submitted the revised RARC Plan and Appendices to EPA.
- On February 10, EPA provided comments on the CPG term sheet from the December 14, 2010 meeting between EPA and CPG and provided a Technical Memorandum and modifications to the CPG term sheet from the December 16, 2001 meeting.
- On February 15, CPG submitted the Monthly Progress Report to EPA.
- On February 15, EPA provided to CPG the CSC follow-up report regarding LRC dioxins/furans split sample results and recommended data adjustment factors.
- On February 16, EPA provided a follow-up report to CPG regarding the correction factors for the LRC dioxins/furans split sample results.
- On February 22, EPA provided CPG water column data related to the Chemical Water Column Monitoring (CWCM) program.
- On February 23, EPA provided comments to CPG on the CBS QAPP.
- On February 24, CPG submitted information on the Malcolm Pirnie, Inc. (MPI) LPR Oversight QAPP on the LRC to EPA.
- On February 28, CPG submitted a request for electronic deliverables and written back-up related to the EPA LRC dioxins/furans split sample results and adjustment factor data needs.
- On February 28, CPG submitted the revised CBS QAPP and the response to comments to the EPA.
- On February 28, CPG submitted a notification to EPA regarding peer review of a work plan for a potential Creel/Angler Survey of the LPRSA.



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Work

- CPG continued chemical analysis and data validation of small foraging fish tissue samples and results (summer 2010 Tissue Collection Survey).
- CPG addressed comments on the Periodic Bathymetry Survey Report for the June 2010 Multibeam Survey.
- CPG continued to develop responses to EPA comments on the Small Volume CWCM QAPP.
- CPG continued planning activities for the High Volume CWCM QAPP Addendum.
- CPG continued reviewing and responding to EPA's comments on the risk assessment planning documents and completed revisions.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for high-flow conditions utilizing CPG input files.
- CPG continued reviewing the fall 2009 and spring 2010 Physical Water Column Monitoring (PCWM) survey data to develop correlations of acoustic backscatter and optical backscatter to SSC data.
- CPG continued drafting the winter/spring 2010 Fish Community Survey field report.
- CPG continued drafting the 2010 Habitat Survey field report.
- CPG continued drafting of the summer/fall 2010 Avian Survey field report.
- CPG continued drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG continued drafting of the spring/summer 2010 Benthic Community Survey field report.
- CPG completed drafting of the Benthic QAPP Addendum No. 4 CBS.
- CPG reviewed sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG reviewed LPRSA watershed data and sources to evaluate and confirm LPR/NB Model input assumptions.

(b) Results of Sampling and Tests

None.



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(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue chemical analyses and data validation of small foraging fish tissue samples and results (summer 2010 Tissue Collection Survey).
- CPG will continue addressing comments on the Periodic Bathymetry Survey
 Report for the June 2010 Multibeam Survey.
- CPG will continue drafting the winter/spring 2010 Fish Community Survey field report.
- CPG will complete drafting the 2010 Habitat Survey field report.
- CPG will continue drafting of the summer/fall 2010 Avian Survey field report.
- CPG will continue drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will continue drafting of the spring/summer 2010 Benthic Community Survey field report.
- CPG will conduct the spring Avian Survey.
- CPG will initiate field work (cage deployment) for the CBS.
- CPG will respond to EPA comments on the Small Volume CWCM QAPP.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and calibration and initiate work with the RCA-TOX code and inputs.
- CPG will participate in LPR/NB Modeling Program progress calls with EPA and EPA contractors.
- CPG will continue initial FS evaluation of targeted remedy locations.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

• Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. EPA has informed the CPG that the revised SEDZLJS code, revised input files or calibration model output will be provided to the CPG in April 2011.



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As such, the CPG is continuing to work on its high flow calibration and is beginning work on its long-term daily calibration; however, a detailed update of EPA's current status with the previously mentioned documentation would greatly assist the CPG to continue its collaboration with the EPA Modeling Team as directed by EPA in its February 18, 2010 letter. CPG is awaiting receipt of the revised RCA-TOX code and other inputs that the EPA Modeling Team said would be provided to the CPG by the end of December 2010. Extension of the sediment transport modeling and chemical fate transport modeling schedules will extend the completion of the LPRSA RI/FS.

- The CPG is in the process of resolving EPA's November 4, 2010 comments on the draft Small Volume CWCM QAPP. . As a result of the additional requirements identified by EPA and the onset of winter, the implementation of the first sampling event will be delayed until the early spring of 2011. Furthermore, EPA requests regarding additional sampling locations in Newark Bay will result in significant increases in logistical complexity to the project without a clear need explained in the comments. The delays associated with both the Small Volume CWCM and CSO (see below) Programs are likely to extend the completion of the RI/FS.
- The delay in EPA's approval of Tierra's CSO/SWO Workplan is anticipated to impact the completion of the LPRSA RI/FS. The extent of the schedule impact is dependent on resolution of EPA's comments on the draft CSO/SWO Workplan and when the Phase 1 work is implemented.
- In the CPG's November 19, 2010 response to EPA's November 5, 2010 risk assessment planning directive letter, the CPG agreed to revise the risk assessment planning documents consistent with EPA's September 10, 2010 comments. Resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. The revised risk assessment planning documents were submitted to EPA on February 10. The CPG met with EPA on February 15 to discuss reference and background approaches. The CPG presented its review of regional data sets and was asked by EPA to review additional data in areas outside the NY/NJ Harbor Complex.
- Analysis and validation of biological samples collected in the 2010 field season should be completed by the end of the first quarter of CY 2011 in order to support the conduct of the Human Health Risk Assessment and Ecological Risk

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Assessment in CY 2011. CPG has retained a second data validation firm to conduct the data validation to validate the fish and crab tissue data.

• The revisions to the LRC Report directed by EPA in its June 2010 and January 2011 comment letters are currently being conducted by the CPG. As a result of the EPA-CPG February 24 teleconference and in response to January 2011 Specific Comment 1, EPA is providing the CPG with: 1) original Axys PCDD/PCDF split results EDD; 2) EQA Data Validation reports; 3) adjusted CDM MEDD; and 4) guidance on how to document the adjustment in form of a data qualifier or specific method code. As the CPG stated during the February 24 teleconference, a revised LRC Report can submitted approximately 45 days following the receipt of these items.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Fotter Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel Alice Yeh, EPA
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